

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/655,917	OHMURA, AKIRA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kelly L. Jerabek	2612	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to After Final Amendment filed 2/2/2005.
2.  The allowed claim(s) is/are 5-13 and 19.
3.  The drawings filed on 09 September 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

This case has been transferred to Examiner Kelly Jerabek. Please direct all future correspondence to Examiner Jerabek whose contact information can be found at the end of this office action.

***Allowable Subject Matter***

Claims 5-13 and 19 allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

Re claim 5, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein the transmitter transmits the digital data to a place remote from the camera and a controller for inhibiting the transmitter from transmitting the digital image data to a place where the watermark caused by the selected program is not available.

Re claim 6, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding

circuit and a transmitter, wherein the transmitter transmits the digital data to a place remote from the camera and a controller for replacing the selection of the program if the digital image data is to be transmitted to a place where the watermark caused by the selected program is not available.

Re claim 7, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein the transmitter transmits the digital data to a place remote from the camera and a controller for giving a warning if the digital image data is to be transmitted to a place where the watermark caused by the selected program is not available.

Re claim 8, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein the controller inhibits the transmitter from transmitting the digital image data on which the watermark is failed to be embedded.

Re claim 10, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein the controller controls the embedding circuit to surely embed the watermark on the digital image data on which the watermark is failed to be embedded.

Re claim 12, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein the controller gives a warning if the watermark is failed to be embedded.

Re claim 19, the prior art fails to teach or suggest a digital camera comprising an imaging device, a memory, a program selector, an embedding circuit and a transmitter, wherein the controller forcibly controls the embedding circuit to embed the watermark if the setting by the setting circuit is failed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Itoh et al. (US 6,700,989) discloses a device for generating a watermarked moving image having a copy preventing capability. The information regarding inserting watermark information into an image is relevant material.

Kondo et al. (US 6,567,531) discloses an image processing apparatus. The information regarding embedding information in an image is relevant material.

Hogan (US 6,137,952) discloses an apparatus and method for degrading the quality of unauthorized copies of color images. The information regarding including a watermark in an image is relevant material.

Knox (US 6,128,411) discloses a method for embedding one or more digital images within another digital image. The information regarding including a watermark in an image is relevant material.

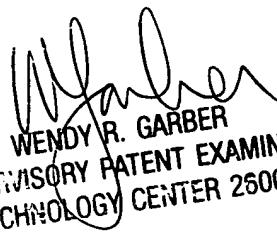
### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on **(571) 272-7308**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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